S.B.Cr.Misc. Second Bail Appl. No.2859/2006

(Prameshwari & Anr. vs. State of Rajasthan)

Date of order : 19.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Manish Shishodia, for the petitioners.

Mr.Ashok Upadhyaya, Public Prosecutor.

This is second bail application filed by the petitioners. The first bail application came to be dismissed as not pressed since the matter was at the investigation stage.

Learned counsel for the petitioners submits that the investigation has been concluded and the police filed the challan. It is contended by learned counsel for the petitioners that the fatal injury to the deceased Rampal has been assigned to Bajrang as per the statements of Jethi wife of the deceased as also injured Kana Ram, Meera, Sayara etc. Both the petitioners were armed with lathis but the lathis have not been recovered from the petitioners. Injuries to other persons viz. Kana Ram, Meera, Sayara and Jethi etc. are simple in nature by blunt object. Kana Ram

suffered two injuries, one of which is grievous by blunt object. However, in his statement, he has not specifically stated that which of the accused caused the head injury to him which is grievous in nature. There being an omnibus statement of Kana Ram with regard to injuries suffered by him. Learned counsel for the petitioners submits that it cannot be said that the present petitioners caused the head injury to Kana Ram.

Be that as it may, having regard to the facts and circumstances of the case and the fact that no weapon has been recovered from the present petitioners and there being no specific evidence that the petitioners caused any injury to deceased and head injury to Kana Ram. In the circumstances, therefore, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and petitioners Prameshwari w/o Banna Ram and Santosh w/o Bajrang be released on bail in FIR No.09/2006, P.S. Khatu Badi, Distt. Nagaur provided each of them furnishes a personal bond in a sum of Rs.20,000/-

with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for herr appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

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